REMARKS/ARGUMENT

Applicant gratefully appreciates the indication of the allowability of claims 2-5 and 9-12 in accordance with which claims 2 and 9 have been amended to place them in independent form. Since this amendment is merely formal in nature, it is respectfully submitted that it has not been made for statutory purposes.

Claim 12 has been amended to address the rejection of claim 12 under 35 U.S.C. §112, second paragraph. It is respectfully submitted that this amendment to claim 12 only makes explicit that which was implicit in claim 12 prior to the amendment and, thus, has not been made for purposes related to statutory concerns.

The specification has been amended to correct a typographical error.

Reconsideration of the application in view of the foregoing amendments and the following remarks is respectfully requested.

The Examiner has objected to the drawings because according to the Examiner, link 17 of Fig. 1 should be link 18. However, as set forth on page 3, line 11, there are 3 links, 15/16/17, that form in combination the linkage 11. Accordingly, the reference to the link 18 on page 3, line 17, is an error. This link is the link 17 and the specification has been amended accordingly. There is no unmarked link in Fig. 1.

The Examiner also objects to the disclosure because the Examiner contends that the description of the prior art of Fig. 1 on page 3 is not correct because there are 4 links connected to the foot board 13b. In particular, the Examiner points to the link between hinges 21 and 22. The link that the Examiner refers to between hinges 21 and 22 is, however, not a separate link but part of the link 16, which has a hinge 22 connected to the link 15 (Page 3, lines 15-16).

In view of the foregoing, it is respectfully submitted that the drawings and the disclosure (as amended to correct the typographical error on page 3 are correct without the need for any further amendment.

Claims 1 and 6-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by the Prior Art in Fig. 1("Admitted Prior Art"). Applicant respectfully traverses this rejection.

Claim 1 is directed to a high hat stand which includes, *inter alia*, "...a toggle joint connected between said movable member, said frame and said foot pedal and responsive to said first force so as to move said movable member in a second direction opposite to said first direction."

The Prior Art of Fig. 1 does not include a toggle joint.

A toggle joint is defined in "Webster's Third New International Dictionary" as "a device consisting of two bars jointed together end to end but not in line so that when a force is applied to the knee tending to straighten the arrangement the parts abutting or jointed to the ends of the bars will experience an endwise pressure which increases indefinitely as the bars approach a straight-line position". A toggle joint is similarly defined in other dictionaries.

The linkage of the Admitted Prior Art of Fig. 1 does not include a toggle joint. Thus, although the linkage of the Admitted Prior Art includes two links 15 and 16, those links 15 and 16 are not "jointed together end to end". The link 15 is connected at an intermediate portion of the other link 16. The link 16 serves as a lever. Force is input at one end of the link 16 hinged to the link 17, and increased force is output from the intermediate position hinged to the link 15. The length between the hinges 20 and 21 is greater than the length between the hinges 20 and 22 so that the output force is larger than the input force. However, the magnification is constant, and the relation between the force and the displacement is indicated by broken lines in Fig. 6 (see page 11, line 20 to page 12, line 2). Therefore, the linkage does not increase the force as defined in the dictionary, i.e., does not result in "endwise pressure which increases indefinitely as the bars approach a straight-line position". (Emphasis Added)

In the embodiment of Applicant's invention shown in Fig. 2, the links 43/44/45 and the hinge 46 form in combination a toggle joint, and the links 43/44/45 are independently rotatable around the hinge 46. (See page 8, lines 16 and 17). The links 43 and 44 correspond to the "two bars" in the above-described definition. The links 43 and 44 are "jointed together end to end but not in line". When a force is exerted on the hinge 46 or the jointed ends of the links 43 and 44, the output force is increased as expressed by equation 2 (See page 11, the first line). The angle β is increased as the foot pedal 41 moves downwardly. Accordingly, $\cos\beta$ is decreased together with the distance between the foot pedal 41 and the floor 32. As a result, the magnification ratio is gradually increased, and the relation between the force and the displacement is varied as indicated by the solid line in Fig. 6 (page 11, lines 2 to 19).

Thus, Applicant, in distinction to the Admitted Prior Art, does in fact have a toggle joint which the prior art does not.

In view of the foregoing, it is respectfully submitted that claim 1 is clearly patentable over the Admitted Prior Art.

Claims 6-8 are dependent either directly or indirectly from claim 1 and are, therefore, patentable for the same reasons, as well as because of the combination of the features set forth in these claims with the features set forth in the claim(s) from which they depend.

In view of the foregoing, this application is now believed to be in condition for allowance which action is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on April 30, 2001:

Martin Pfeffer
Name of applicant, assignee or Registered Representative

Signature

April 30, 2001
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Respectfully submitted,

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APPENDIX B

VERSION WITH MARKINGS TO SHOW CHANGES MADE

37 C.F.R. § 1.121(b)(iii) AND (c)(ii)

SPECIFICATION:

Paragraph at page 3, line 10:

The linkage 11 is connected between the extension rod 8, the frame 10 and the foot pedal 13. Three links 15/16/17 form in combination the linkage 11. The link 15 is connected at one end thereof to the lower end of the extension rod 8 by means of a hinge 19. The link 16 is connected at one end thereof to the frame 10 by means of a hinge 20 and at the other end thereof to the link 17 by means of a hinge 21. The other end of the link 15 is connected to an intermediate point of the link 16 by means of a hinge 22. The foot board 13b is rotatably connected to the other end of the link [18] 17 by means of a hinge 23. The foot board 13b converts the force exerted thereon to moment around the pin 13c, and the moment is converted to force exerted on the other end of the link 16 by means of the link 17. The force at the other end produces moment around the hinge 20, and the link 15 converts the moment to force exerted on the lower end of the extension rod 8.

CLAIMS:

2. [The high hat stand as set forth in claim 1, in which said toggle joint includes] A hat stand for keeping high hat cymbals over a surface, comprising:

a cymbal sustaining structure standing on said surface, and including a stationary member connected to one of said high hat cymbals and a movable member connected to the other of said high hat cymbals and bidirectionally movable with respect to said stationary member for crashing said other of said high hat cymbals against said one of said high hat cymbals; and

a driver including a foot pedal moved with a first force exerted thereon by a player, an elastic member connected between said stationary member and said movable member for urging said movable member in a first direction, a frame stationary with respect to said stationary member, and a toggle joint connected between said movable member, said frame and said foot pedal and responsive to said first force

so as to move said movable member in a second direction opposite to said first direction, said toggle joint including a first link rotatably connected at one end thereof to said frame, a second link rotatably connected at one end thereof to the other end of said first link and at the other end thereof to said movable member, and a third link rotatable connected at one end thereof to said foot pedal and at the other end thereof to said other end of said first link and said one end of said second link so as to exert a second force on said movable member.

9. [The high hat stand as set forth in claim 8, in which said toggle joint includes] A hat stand for keeping high hat cymbals over a surface, comprising:

a cymbal sustaining structure standing on said surface, and including a stationary member connected to one of said high hat cymbals and a movable member connected to the other of said high hat cymbals and bidirectionally movable with respect to said stationary member for crashing said other of said high hat cymbals against said one of said high hat cymbals;

a driver including a foot pedal moved with a first force exerted thereon by a player, an elastic member connected between said stationary member and said movable member for urging said movable member in a first direction, a frame stationary with respect to said stationary member, and a toggle joint connected between said movable member, said frame and said foot pedal and responsive to said first force so as to move said movable member in a second direction opposite to said first direction, said toggle joint including a first link rotatably connected at one end thereof to said frame, a second link rotatably connected at one end thereof to the other end of said first link and at the other end thereof to said movable member, and a third link rotatable connected at one end thereof to said foot pedal and at the other end thereof to said other end of said first link and said one end of said second link so as to exert a second force on said movable member;

a base block placed on said surface; and

a foot board rotatably connected between said base block and said toggle joint.

12. The high hat stand as set forth in claim 1, in which said toggle joint [achieves] is structured and arranged to achieve a magnification ratio of said second force to said first force so as to move said movable member in said second direction in an initial stage of the motion of said foot pedal.